

2nd ADDENDUM
STAFF REPORT

6

CASE NUMBER: **P. D. 08-306 CC** **L.U.C.B. MEETING:** **April 9, 2009**
Held from March 12, 2009

DEVELOPMENT: **CANALE GROVE PLANNED DEVELOPMENT**

LOCATION: **Northwest corner of Houston Levee Road and Walnut Grove Road**

COUNCIL DISTRICT: **Unincorporated Shelby County**

OWNERS/APPLICANTS: **Walnut Grove Properties, LLC**

REPRESENTATIVE: **Farris-Bobango-Branan, PLLC & Dalhoff-Thomas-Daws**

This application was recommended rejection by the staff and the applicant requested and was granted a hold at the March 12, 2009 Land Use Control Board meeting. The staff had several concerns regarding some elements of the plan regarding landscaping, clarification of mixed-use buildings, maximum floor area ratios for commercial and most importantly a public road connection to the west of the subject property. All concerns of staff have been satisfied, including the public road connection to include street trees to the adjacent development plan for Woodland Hills II Planned Development.

The applicant is providing a thirty-one(31) wide public road connecting Canale Grove Parkway and the approved public roadway in Woodland Hills II Outline Plan. The road will be located along the north property lines of 'Areas 2 and 3' of the Outline Plan which will modify the amount of acreage in these commercial areas. The public road connection creates a new 'Area 7-A' which will be used for a complex sign to identify the multifamily apartment/senior living retirement community in 'Area 7' of the Outline Plan.

The pedestrian crosswalks will be identified by pavement patterns or markings that are easily accessible by pedestrians. The applicant is also providing a thirty(30) foot wide Landscape Screen 'N-1' (modified) to include a sight-proof wood fence eight(8) feet in height along the north property line. The existing trees and vegetation within this buffer zone will be preserved and supplemented with cedar trees to fill voids in the landscape screen. The modifications and clarifications by the applicant have been provided to staff in the project review.

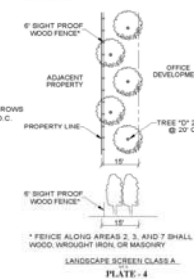
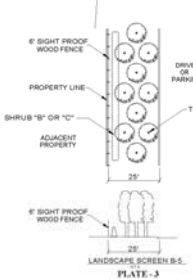
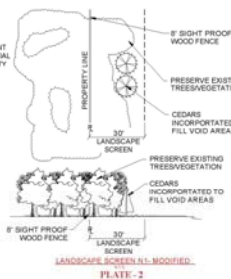
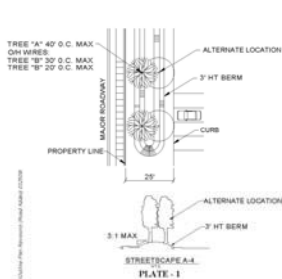
OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval with Conditions

Staff: **Brian Bacchus**

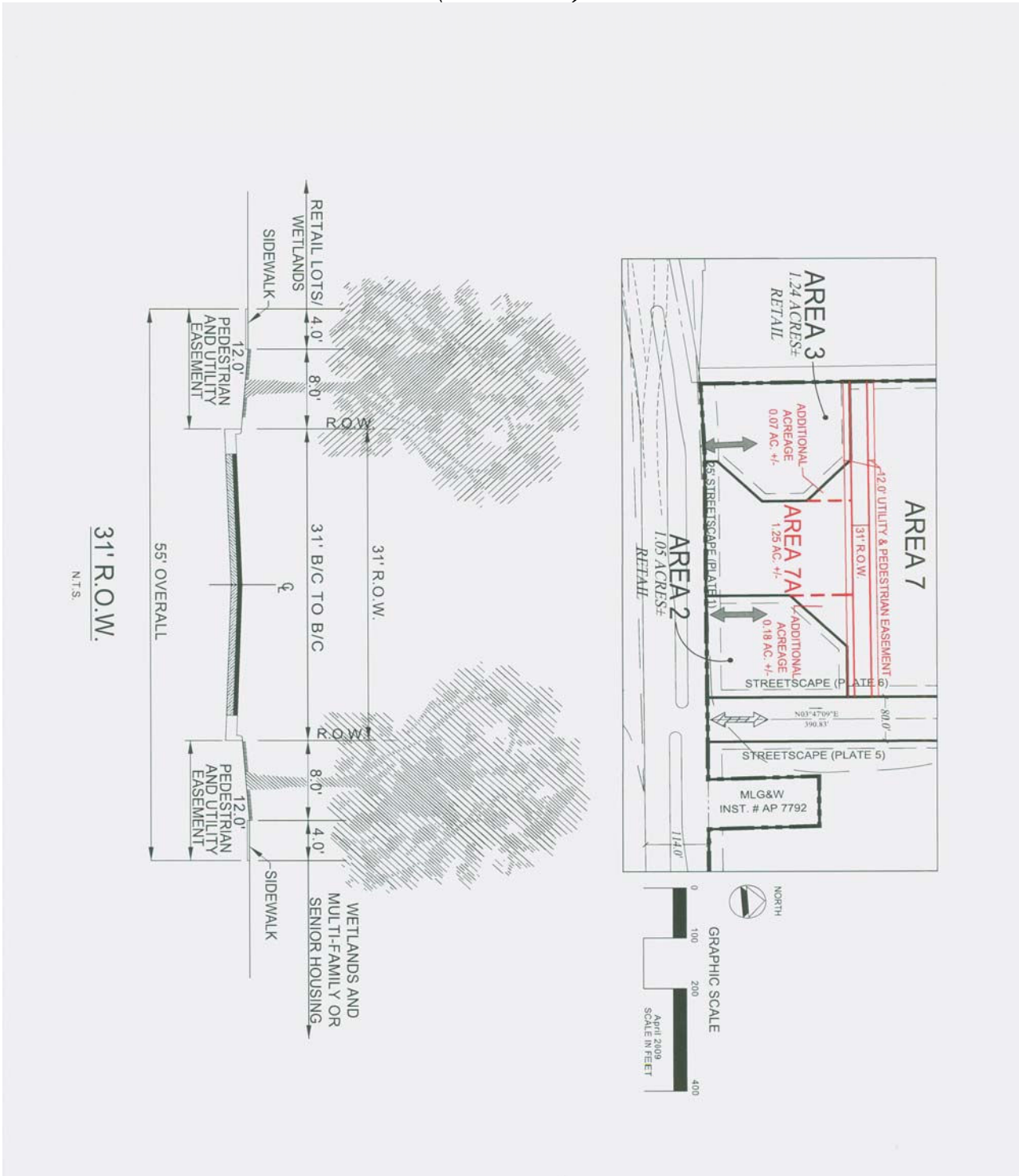
E-mail: [**brian.bacchus@memphistn.gov**](mailto:brian.bacchus@memphistn.gov)

SUBJECT PROPERTY:

[illegible]

<h1 style="text-align: center;">OUTLINE PLAN</h1> <h2 style="text-align: center;">CANAL GROVE P.D.</h2>		
<u>PAYEE NUMBER:</u>		<u>CASE NUMBER:</u>
<h3><u>SHELLEY COUNTY TENNESSEE</u></h3>		
<u>RAMBER LOT#</u> <u>101.00 = TOTAL ACRES</u>	<u>NUMBER OF ACRES TO BE PAID TO THE</u> <u>STATE OF TENNESSEE, TENNESSEE, AND</u>	
<u>OWNER:</u> <u>SHIRLEY GUNNE PROPERTIES LLC</u> <u>7017 COUNTRY HILL DRIVE</u> <u>MEMPHIS TN 38125</u> <u>OR 901 724 5454</u>	<u>THE REASONS FOR</u> <u>OWNERS REQUEST FOR AWARD</u> <u>MEMPHIS TN 38125</u> <u>(0001) 781-2001</u>	
<u>2018</u>	<u>457152.0000 F</u>	<u>30 NOVEMBER 2017</u>
<u>17 JULY 2008</u>	<u>SCALE: 1" = 20'</u>	<u>SHEET 1 OF 5</u>

STREET 'B' CROSS-SECTION:
(REVISED)



OUTLINE PLAN CONDITIONS:

I. USES PERMITTED:

- A. Areas 1, 2, 3, and 4 – Town Center Retail and Retail Lots - Office and Commercial uses as permitted by right or administrative site plan review in the Planned Commercial(C-P) District, except the following uses that are prohibited:

Group Shelter
Outdoor Sales
Green house or Nursery, Commercial
Pawn Shop
Farm Labor Management Services
Amusements, Commercial Indoor
Garage Commercial
General Service and Repair Shop
Greenhouse or Nursery
Lawn, Tree or Garden Service
Used goods, Second Hand Sales
Vehicle Wash

Note: Area 1: Residential Lofts (a minimum of 100 units) are allowed above retail uses at one or two floors in height. Any Residential above Retail is evaluated as a bonus above the allowed DU/AC or F.A.R. Any Loft type residential along with the Underlying Base Use shall adhere to the Shared Parking Policy as indicated in the Memphis and Shelby County Subdivision Regulations.

- B. Area 5 (Office) - Office uses as permitted by right or administrative site plan review in the General Office (O-G) District.
- C. Areas 5A and 6 (Office/Residential - Live/Work Units)
Office/Residential uses as permitted by right or administrative site plan review in the General Office (O-G) District.

Note: Residential Areas 5A and 6: Residential lofts (a minimum of 36 units) above Office is evaluated as a bonus above the allowed DU/AC or F.A.R. Any Loft type residential along with the Underlying Base Use shall adhere to the Shared Parking Policy as indicated in the Memphis and Shelby County Subdivision Regulations.

- D. Area 7 (Multifamily) – Residential uses as permitted by right or administrative site plan review in the Multiple Dwelling Residential (R-ML) District.

Area 7 Alternative Use (CCRC - Continuing Care Retirement Community) – Continuing Care Retirement including, Assisted Living Facility, Licensing Health Care Facilities, Senior Housing/Independent Living, Attached and Detached Senior Homes or Cottages, Nursing Home, and Associated Medical Buildings.

Accessory Uses: The following shall be permitted for the convenience of the Residents and their guest, but not for the general public. Accessory uses shall include, but not be limited to the following:

1. Banking Facility
2. Beauty and or Barber Shop
3. Central Dining Facilities
4. Convenience Retail Shop
5. Chapel/ Place of Worship
6. Pharmacy

- E. Area 7A – (Multifamily)/(CCRC-Continuing Care Retirement Community)
This area and its uses shall be limited to a Complex Sign for Area 7, drainage, utilities, and detention needs.

- F. Area 8 – Common Open Space(C.O.S.) – Open Space uses as permitted by right or administrative site plan review.

II. BULK REGULATIONS:

- A. Areas 1,2,3, and 4 (C-P) with following exceptions:

1. Front Yard Setback – 8 feet – 90 feet
2. Side/Rear Setback abutting single Family – 10 feet
3. Side/Rear Setback abutting multifamily, nonresidential- 0 feet 10 feet
4. Maximum Building Height – 45 feet (Area 1)
5. Maximum Building Height – 35 feet (Area 2,3, and 4)
6. Maximum Floor Area Ratio - .30 FAR (Area 1)
7. Maximum Floor Area Ratio - .25 FAR (Area 2,3, and 4)

- B. Areas 5,5A, and 6 (O-G) with following exceptions:

1. Front Yard Setback – 7 feet
2. Side (Street) – 7 feet
3. Side/Rear Setback abutting single Family in Areas 5A and 6 – 10 feet
4. Side/Rear Setback abutting single Family in Area 5 – 40 feet
5. Side/Rear Setback abutting multifamily, nonresidential- 0 feet- 10 feet
6. Maximum Building Height – 35 feet

7. Maximum Floor Area Ratio - .25 FAR
8. Area 5 – A maximum of a one-story building within 200 feet of north property line.

C. Area 7 (R-ML) with the following exceptions:

1. Front Yard Setback – 7 feet – 15 feet
2. Side Setback (Interior) 5 feet
3. Side Setback (Total) 10 feet
4. Side Setback (Street) 10 feet
5. Rear Setback 20 feet
6. Maximum Building Height – 45 feet
7. Maximum Floor Area Ratio - 15 DU/Ac
8. 150 foot Building Setback from North Property line
9. Maximum of 10% allowed as 3 bedroom units.

Area 7 (CCRC-Continuing Care Retirement Community)

1. Front Yard Setback – 80 Feet
2. Setback at north line – 150'
 - 2 stories allowed between 150' and 175'
 - 3 stories allowed between 175' and 200'
 - 4 stories allowed at 200' or more.
3. Rear Yard Setback – 20 feet
4. Side Yard Setback – Internal side yard setbacks within CCRC 20 feet
5. Max. Building Height – 45 feet (Independent Living Facility)
6. Max. Floor Area Ratio:

1 Story:	10 DU/AC.
(Independent Living Facility) 2 Stories:	15 DU/AC.
3 Stories:	20 DU/AC.
4 Stories:	25 DU/AC.
7. Free-standing Single Family Detached and Attached dwelling units shall be calculated on the gross acreage of Area 7 at 5 DU/AC if used as Senior Housing in conjunction with the Independent Living Facility.
8. That portion of Area 7 designated on the Outline Plan in the northeast portion of Area 7 shall be utilized as a storm water detention area.
9. Area 7A (R-ML) and (CCRC) Density Rights, DU/AC. shall be transferred to Area 7.

III. ACCESS, PARKING AND CIRCULATION:

- A. Dedicate 57 feet from the centerline of Walnut Grove Road and improve in accordance with the Subdivision Regulations of Shelby County Paving Policy.
- B. Dedicate 57 feet from the centerline of Houston Levee Road and improve in accordance with the Subdivision Regulations of Shelby County Paving Policy.

- C. Curb cuts within 300 feet from the centerline intersection of Houston Levee Road and Walnut Grove Road shall be limited to right-in/right-out access only. The design and location of curb and median cuts along Walnut Grove and Houston Levee are subject to approval of the City / County Engineer.
- D. Provide internal circulation between adjacent phases, lots and sections.
- E. A maximum of four (4) curb cuts and one (1) Roadway Intersection shall be permitted along Houston Levee Road.
- F. A maximum of five (5) curb cuts and one (1) Roadway Intersection shall be permitted along Walnut Grove Road.
- G. All private drives and rear service drives shall be a minimum width of 20 feet and constructed to meet pavement requirements of the Memphis and Shelby County Subdivision Regulations.
- H. Parking shall be provided in accordance with the Memphis and Shelby County Subdivision Regulations.
- I. An interconnected pedestrian walkway system shall provide internal pedestrian circulation throughout the development.
- J. The Public Road, Street "A" connecting with Houston Levee Road and Walnut Grove Road shall be designed as a Minor Collector Road with 20 feet from the face of curb to face of median curb, each side.
- K. Pedestrian Crosswalks on this roadway (Street "A") shall be identified with pavement patterns or markings that are easily understood by the pedestrian.
- L. The Public Road, Street "B" connecting the adjacent property, Woodland Hills II, to Canale Grove P.D. shall be a 31' R.O.W. consisting of 31' back of curb to back of curb.
- M. Proposed traffic signals shown on the plans require study for the traffic warrants. If warranted, they will be installed at the developer's expense.

IV. LANDSCAPING AND SCREENING:

- A. A 25-foot wide Streetscape (**Plate 1**) shall be provided along Walnut Grove Road and Houston Levee Road. Hardwood street trees shall be planted 40 feet O.C. with a caliper of 4 1/2 to 5 inches. **Plate 1** shall be excluded from Area 8.

- B. A 30-foot wide Landscape Screen (**Plate 2**) with an eight-foot (8') high solid cedar wood fence shall be provided along the north property line. The Canale Grove Developer reserves the option to add a decorative type pattern on his side of the fence. This fence shall be installed at the time the Canale Grove Planned Development has been approved by the Land Use Control Board, Shelby County Commission, and the Memphis City Council, and will be filed as Phase 1, Final Plan. See Condition IV. O. for landscape requirements and timing.
- C. A minimum 25-foot wide Landscape Screen (**Plate 3**) shall be provided along the east property line of Area 5 and the north property line of Area 4 if the properties along Houston Levee Road are zoned or developed as Residential at the time of Final Plan submittal for Areas 4 and 5.

Note: Landscape Screen **Plate 3** only required if adjacent properties are developed as Residential. Buffer Plate may be modified to relate to use of property as zoned or developed.
- D. A 15-foot wide Landscape Screen (**Plate 4**) shall be provided along the property line of Area 5 when abutting Area 7, **along the north lines of Areas 2 and 3 when abutting Street "B" (31' R.O.W.)** and along the west line of Area 7.
- E. A Streetscape (**Plate 5**) shall be provided along Canale Grove Parkway in Areas 1 and 4.
- F. A Streetscape (**Plate 6**) shall be provided along Canale Grove Parkway in Areas 2, 5A, 6 and 7.
- G. An interior landscaped island shall be provided for every ten spaces. Each island shall contain a minimum of 200 square feet with a minimum width of eight feet inside the curb and include a minimum of one hardwood tree with a minimum caliper of 4 ½ inches. Planting islands shall be evenly distributed throughout the parking area, with no parking space being more than 100 feet from a planting island.
- H. All required landscaping shall not conflict with any easements including overhead wires.
- I. All heating and air conditioning equipment shall be screened, if possible, from views from public roads by use of landscaping or architectural features.
- J. Lighting fixtures shall be a maximum of 30 feet in height within retail parking areas and shall be a maximum of 15 feet in height within non-vehicular pedestrian, office, and residential areas. All light fixtures located north of the loop road shall not exceed 15 feet.
- K. Equivalent landscaping may be substituted for that required above, subject to approval of the Office of Planning and Development.
- L. All refuse dumpsters shall be completely screened from view from all adjacent properties and from any public roads. In addition, no refuse dumpsters shall be permitted within 150 feet of the north line of Area 5 and Area 7.

- M. All apartments shall have a minimum of fifty (50) percent of the opaque wall area consisting of brick material.
- N. No active recreational facilities shall be permitted within 150 of the north property line in Area 7.
- O. Commensurate with the first final plan containing a building envelope, a minimum of one row of evergreen seedling trees shall be planted along northern property line which shall be considered as a part of the landscape screen required in condition IV-B. above.
- P. A 12.0' wide utility and pedestrian easement shall be provided along the north and south sides of Street "B" (31' R.O.W.). The easement shall consist of an 8.0' wide tree lined grass strip and a 4.0' wide sidewalk.

V. SIGNS:

- A. Attached and detached signs within Areas 1, 2, 3, and 4 shall conform to the Memphis and Shelby County Subdivision Regulations pertaining to (C-P) District Regulations.
- B. Attached and detached signs within Areas 5, 5A, and 6 shall conform to the Memphis and Shelby County Subdivision Regulations pertaining to (O-G) District Regulations.
- C. Attached and detached signs within Area 7 and 7A shall conform to the Memphis and Shelby County Subdivision Regulations pertaining to (RM-L) District Regulations.
- D. Portable and temporary signs and outdoor advertising signs shall be prohibited except for construction signs.
- E. Blade Type Signs are allowed in (C-P) and (O-G) Districts.
- F. A development identification sign may be allowed within Area 8 and must be incorporated as part of the Intersection Enhancement Area and may be used as a backdrop or hardscape element.
- G. Temporary "No Trespassing" signs shall be posted at the time the Canale Grove Planned Development has been approved by the L.U.C.B., County Commission and the Memphis City Council. Three (3) on Walnut Grove Road and two (2) on Houston Levee Road.

VI. DRAINAGE:

- A. A comprehensive drainage study of the entire site shall be submitted to the City Engineer's office for review and approval prior to the development of the site.
- B. Drainage improvements including possible on-site detention shall be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.

- C. An overall sewer plan for the entire site shall be submitted to the City Engineer prior to the approval of the first final plat.
- D. The developer should be aware of his obligation under 40 CFR 122.26 (b)(14) and TCA 69-3-101 et Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on the site.
- E. All grading and drainage plans shall show topography a minimum distance of 100 feet off site on all sides in order to determine the effect of off site features on the proposed plan or its effect on adjacent properties.

VII. DESIGN AND OTHER:

- A. Commercial and office buildings shall be constructed using a consistent style and materials.
- B. Gasoline sales islands and canopy shall be designed as an integral part of the principle structure.
- C. The developer shall grant sewer easements and install dry, gravity sewers within the site to provide for future service to this site and upstream properties.
- D. Provide documentation in the form of a FEMA Map that the site is no longer contained in the Floodway designation.
- E. An illustration and calculation of the amount and location of any wetlands on site, and a plan for the mitigation of any wetlands that will be disturbed shall be submitted to the City / County Engineer for approval prior to the development of this site.
- F. While unconfirmed at this time, this property is suspect as being located within an area that may have the geologic characteristics which allows storm water to recharge the underground aquifer. Therefore, the following condition is provided to address this potential: Unless and until specific ordinances or laws are promulgated regarding the protection of aquifer recharge areas that will regulate the underground aquifer for this property prior to Final Plan submittal, a geotechnical investigation shall be undertaken, consisting of not less than 5 soil borings distributed across the property to determine the average water conveyance characteristics of the soils on the property. Based on the results of this investigation and provided the natural geology exists on the property, and considering the general design of the development as provided in the Conceptual Development Plan, the final design of the development, and the existing and proposed topography, the quantity of water that percolates into the soil on the property during a design storm (i.e., a rainfall of 4.93 inches within a 24 hour period) shall be estimated, and portions of the storm water detention basin(s) in total with other features proposed for the developments shall be designated to allow approximately this same quantity of storm water to percolate in to the soil after development of the property.

VIII. PUBLIC SEWER, WATER AND EASEMENTS:

- A. Provisions for sanitary sewer service approval to this development shall be the responsibility of the City of Memphis.
- B. A sewer development fee shall be paid to the City of Memphis at the time of each final plan approval.
- C. Off-street sewer easements shall be a minimum of fifteen(15') feet in width.

IX. The Land Use Control Board may modify the bulk, access, circulation, parking and other site Design requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten(10) days of such action file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Appropriate Governing Bodies.

X. SITE PLAN REVIEW BY THE OFFICE OF PLANNING AND DEVELOPMENT:

- A. A Site Plan for Areas 5 and 7 shall be submitted for the review and approval of the Office of Planning and Development(OPD) with appeal to the Land Use Control Board. All property owners within the Holly Grove Estates Subdivision shall be notified and provided a fifteen(15) day response period. The provision of an up to date list of the names and addresses (with mailing labels) shall be provided by the applicant. In addition to any site plan the Holly Grove Estates Subdivision shall be provided a copy of the required comprehensive drainage study.
- B. The Site Plan shall contain the following information:
 - 1. The location, dimensions, floor area and height of all buildings, structures, signs and parking areas.
 - 2. Specific plans for internal and perimeter landscaping and screening including plant material types and sizes.
 - 3. The location and use of open space.
 - 4. The proposed exterior appearance of buildings and signs.
 - 5. Proposed means of access and circulation of automobile and pedestrian traffic.

C. The site shall be reviewed based upon the following criteria.

1. Conformance with the Outline Plan and the Subdivision Regulations.
2. Conformance to the standards and criteria for commercial planned developments contained in Sections 14.C and 14.E of the Zoning Ordinance.
3. Compatibility with adjacent properties.

XI. A Final Plan shall be filed within five(5) years of approval of the Outline Plan. The Land Use Control Board may grant extension at the request of the applicant.

XII. FINAL PLANS:

Any final plan shall include the following:

- A. The Outline Plan Conditions;
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed improvements.
- C. The exact location and dimensions including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities and required landscaping and screening areas;
- D. The exterior appearance of proposed buildings and signs;
- E. The content of all landscaping and screening to be provided;
- F. The proposed means of access and circulation of automobile and pedestrian traffic;
- G. The location and ownership, whether public or private of any easement;
- H. A statement conveying all commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plan;
- I. Front and rear setbacks;
- J. The standard improvement contract as defined by the Subdivision Regulations for any needed public improvements in a phased manner contiguous with development;

- K. The following note shall be placed on the Final Plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owner's association. Such maintenance shall be performed so as to insure that the system operates in accordance with the approved plan on file in the City/County Engineer's office. Such maintenance shall include, but are not limited to, removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- L. The recording of this Outline Plan for Canale Grove Planned(P.D.08-306 CC) with the Office of Shelby County Register shall supersede all previous recorded Outline Plans of development.*

P.D.08-306 CC
Canale Grove Planned Development

County Engineering:

1. Proposed traffic signals shown on the plans require study for the traffic warrants. If warranted, they will be installed at the developer's expense.
2. Maintain existing LUCB conditions.

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

ADDENDUM
STAFF REPORT

6

CASE NUMBER: P. D. 08-306 CC **L.U.C.B. MEETING:** March 12, 2009
Held from December 11, 2008

DEVELOPMENT: CANALE GROVE PLANNED DEVELOPMENT

LOCATION: Northwest corner of Houston Levee Road and Walnut Grove Road

COUNCIL DISTRICT: Unincorporated Shelby County

OWNERS/APPLICANTS: Walnut Grove Properties, LLC

REPRESENTATIVE: Farris-Bobango-Branan, PLLC & Dalhoff-Thomas-Daws

This application was recommended for a hold by staff and the applicant agreed at the December, 11, 2008 Land Use Control Board meeting. The staff had several concerns regarding the width of landscape screens along the major roads, clarification of whether mixed-use buildings are a requirement in the development plans, maximum floor area ratios for commercial areas and most importantly a public road connection to the west of the subject property.

The revised Outline Plan submitted by the applicant maintains the 25 foot wide landscape screens along the major road. The applicant has clarified the number of live/work units in Area 1 to require a minimum of 100 residential lofts above the retail use and in Area 5A and 6 to require a minimum of 36 residential lofts above the office use. The floor area ratio(F.A.R.) in Area 1 has been significantly reduced from a .50 to a .30 FAR.

There are other modifications to the plans that include increasing the senior community/multi-family components in Area 7 by approximately 11 acres and limiting three-bedroom units to 10% for multi-family development. However, the applicant has deleted the east-west roadway designated 'Street B' in the original plans.

The recommendations of Sustainable Shelby include the creation of neighborhoods that are "complete" and provide a sense of neighborhood—emphasizing the connectivity of development plans to create walkable and bikeable communities. The sustainable initiatives to plan and develop open spaces diverse in land use and to include natural and wildlife habitats, passive and active recreation areas should be included in the plans with a distribution of parks, pathways and bikeways throughout the community.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Rejection

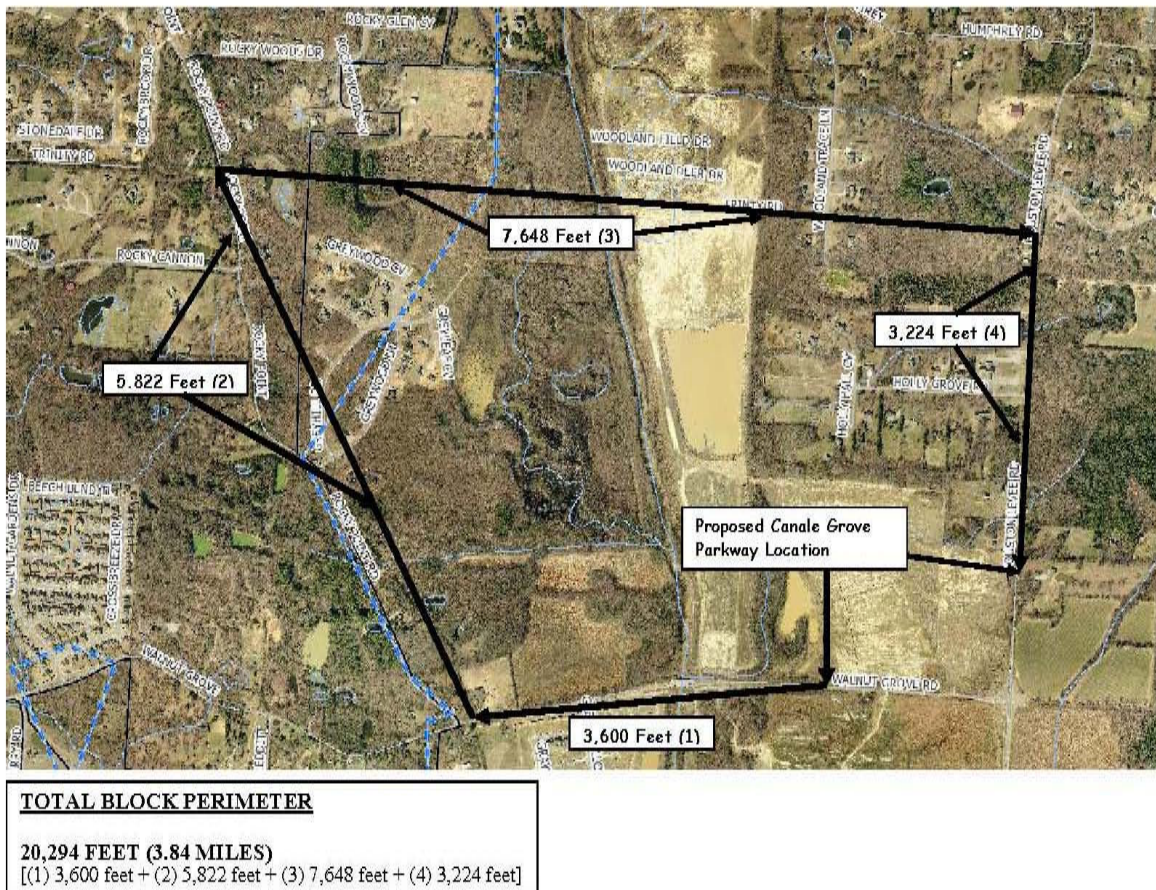
Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

ADDENDUM continued:

The plan addresses some of these initiatives, except the most important—the “complete” neighborhood by providing connectivity via a public road, bikeways and pathways to the adjacent recently approved development plan of Woodland Hills II Planned Development. The lack of interconnection with Woodland Hills II Planned Development to the west is also inconsistent with adopted development policies in the Memphis Area Long Range Transportation Plan.

The transportation plan explains that: “In cities like Memphis and the region immediately surrounding it, the physical distance between complementary land uses (e.g. between home and work, home and school, or home and shopping) and a lack of overall street connectivity leads to unintended consequences—increased vehicle miles traveled and energy consumption, longer commute times, increased air pollution, heightened infrastructure costs and decreased resource lands.” The aerial photograph below illustrates the extremely long block perimeter in this area and significant need for additional interconnected public street networks.



MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

STAFF REPORT

11

CASE NUMBER: **P. D. 08-306 CC** **L.U.C.B. MEETING:** **December 11, 2008**
Held from November 13, 2008

DEVELOPMENT: **CANALE GROVE PLANNED DEVELOPMENT**

LOCATION: Northwest corner of Houston Levee Road and Walnut Grove Road

COUNCIL DISTRICT: Unincorporated Shelby County

OWNERS/APPLICANTS: Walnut Grove Properties, LLC

REPRESENTATIVE: Farris-Bobango-Branan, PLLC & Dalhoff-Thomas-Daws

REQUEST: Planned development to consolidate parcels into one(1) Outline Plan to allow a mixed-use plan of office and retail, including upper-story residential and live/work units, multi-family apartments/independent senior living facility and planned commercial development.

AREA: 101.46 Acres

EXISTING LAND USE & ZONING: Vacant land currently governed by P.D. 97-365 CC & P.D. 03-357 CC.

SURROUNDING LAND USES AND ZONING:

North: Single family homes on estate-sized lots in Hollow Grove Subdivision and single family homes facing Houston Levee Road in the Agricultural(AG) District.

East: Single family homes facing Houston Levee Road in Agricultural(AG) District zoning and vacant land in the Levee Grove Planned Development(P.D. 00-374 CC).

South: Vacant land, cell tower and gasoline sales for BP Station under construction with small restaurant in Walnut Grove/Hall Road Planned Development(P.D. 01-305 CC).

West: Vacant land approved for Woodland Trails II Planned Development(P.D. 04-343 CC) and Gray's Creek Drainage Basin.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Hold for Thirty(30) Days

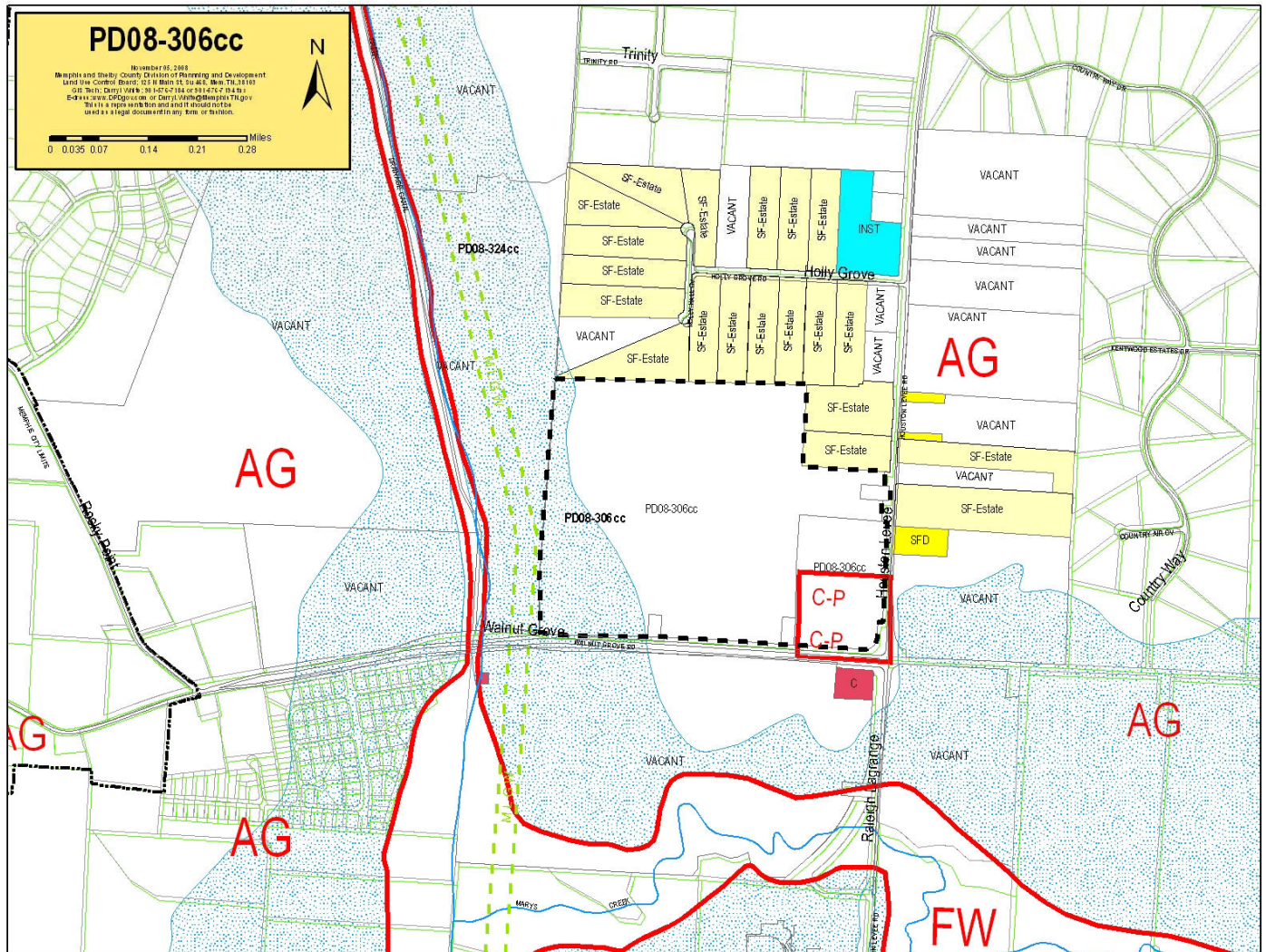
Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

CONCLUSIONS:

1. The subject property is a 101.46 acre tract of land located in the East Central Shelby Planning District at the northwest corner of two(2) major roads, Walnut Grove Road and Houston Levee Road. The current zoning is an approved mixed-use plan of development for multi-family, office and commercial land uses.
2. The request is for a planned development to consolidate two(2) approved plans into one single Outline Plan to allow a new mixed-use development plan and to add fifteen(15) acres to the proposed development plan.
3. The Gray's Creek Area Plan requires a much smaller neighborhood center at this intersection. However, the approved planned developments in the area have also established the larger regional centers.
4. The plan does not conform with the fifty(50) foot wide landscape screens required by the Gray's Creek Plan for commercial development along residential corridors.
5. A hold is recommended for this development until conditions are clarified regarding whether mixed commercial and residential buildings are required. More time is also needed to plan for needed public road interconnection to the west of the subject property.

ZONING & LAND USE MAP



RETAIL IMAGES



CANALE GROVE CONCEPT PLAN ***(Retail/Independent Living):***

RETAIL IMAGES



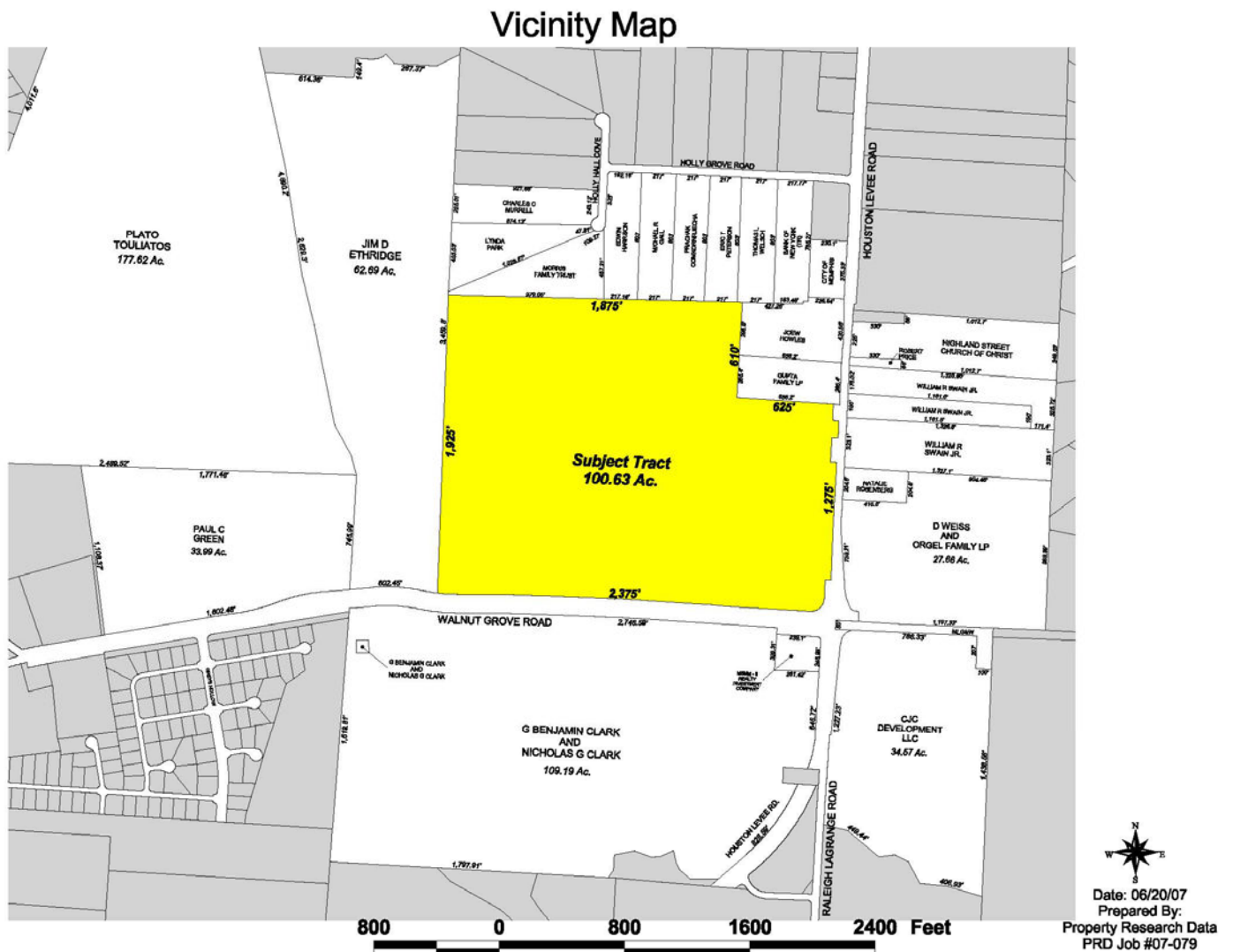
PREPARED FOR:

WALNUT GROVE
PROPERTIES, LLC
2782 FOREST HILL-IRENE
GERMANTOWN, TN 38139

CANALE GROVE
PLANNED DEVELOPMENT
SHELBY COUNTY, TENNESSEE



VICINITY & OWNERSHIP MAP:



STAFF ANALYSIS:

Site Description

The subject property is a 101.46 acre tract of land located in the East Central Shelby Planning District at the northwest corner of two(2) major roads, Walnut Grove Road and Houston Levee Road. The current zoning is an approved mixed-use plan of development for multi-family, office and commercial land uses. The site is also located where Walnut Grove Road dead ends into Houston Levee Road. This intersection has been recently improved and widened with curb and gutter, a traffic signal and left-turn lanes. The character of this area is primarily rural residential estate size lots and vacant land in Agricultural(AG) District zoning.

Area Overview

The surrounding area is predominantly rural residential in character with single family homes located to the east and north as well as vacant land to the southeast adjacent to Mary's Creek approved for townhouse and multiple dwelling residential, including commercial in the Walnut Grove-Southeast Planned Development(P.D. 01-333 CC). There is an approved mixed-use planned development directly adjacent on the west for common open space, single family and multi-family residential and retail commercial development in Woodland Hills II Planned Development(P.D. 04-343 CC). The dominant land use approved and permitted within that development is single family residential multi-family and planned commercial development along the front of Walnut Grove Road.

At the southwest corner of this intersection, a plan was approved for primarily office and commercial use with other areas limited for development within the floodway. Approximately forty-eight(48) acres of Planned Commercial(C-P) and 12 acres of General Office(O-G) uses are approved in the Walnut Grove/Hall Road Planned Development(P.D. 01-305 CC), including a cellular communications tower 199 feet in height on its western boundary. This development has a street dedication plan filed for the dedication and improvements to Houston Levee Road as generally depicted on the land ownership map included in this application.

The dominant land use to the east across Houston Levee Road are single family homes on estate lots in Kentwood Estates Subdivision with lots ranging from 2 to 4 acres in size. Farther south across Walnut Grove Road and Mary's Creek is Briarcrest Sports Complex approved in 1998 by special use permit(S.U.P. 98-258 CC). Directly across from the subject property to the east is Levee Grove Planned Development(P.D. 00-374 CC) approved for office and limited Planned Commercial(C-P) District uses and to the north and east are single family homes and vacant wooded land in the Agricultural(AG) District.

Description of the Request

The request is for a planned development to consolidate two(2) approved plans into one single Outline Plan to allow a new mixed-use development plan with essentially the same public street network as the original plan. The request also expands the planned development by fifteen(15) acres. A major collector loop street extending to each major road with primary land uses to be Planned Commercial(C-P) and R-ML District land uses in the largest parcels within the Outline Plan. The site has approximately 1,275 linear feet of frontage along Houston Levee Road and 2,375 linear feet along Walnut Grove Road.

In September, 1988 the Walnut Grove/Hall Road C-P General Plan (Z 87-189 CC) was approved for 3.99 acres at the immediate corner and in November, 1999 an additional 5.67 acres (Z 99-135 CC) was added to the General Plan for a total of 9.66 acres of planned commercial land use at the immediate corner. All properties approved for zoning at this immediate intersection are included in this application.

Conformance with Grays's Creek Area Plan

The subject property is located in the Memphis Reserve Area and within the boundaries of the Grays Creek Area Plan accepted by both legislative bodies. The **Gray's Creek Area Plan** designates this intersection of Walnut Grove Road and Houston Levee Road as a Neighborhood Center. Walnut Grove Road and Houston Levee Road are recommended by the plan to be residential corridors.

The Gray's Creek Plan requires a fifty(50') wide landscaped area along the street frontages of this site because of its location on a residential corridor. This application should be modified to illustrate the fifty(50') foot wide landscape screens along the roadways. This requirement is in place as a condition of the approved planned development across Houston Levee Road from the subject property at the northeast corner of this intersection.

Although the Gray's Creek Area Plan recommends a neighborhood size center at this intersection, developments approved before the adoption of the plan have already established a larger, more regional scale center. The approved planned developments in the area have also established more suburban-style commercial centers, but yet to be developed.

Project Review

The site plan as submitted by the applicant is a “lifestyle center” design. The maximum Floor Area Ratio(F.A.R.) in Area 1 is 0.50 which is equivalent to 859,657 square feet of ground floor retail—although residential lofts are shown—they are not required by the proposed outline plan conditions. The same for Areas 5A & 6 to allow O-G District land uses of live/work units with residential above the ground floor. The live/work units are shown as a concept, but are also not required by the outline plan conditions. The maximum F.A.R. is 0.50 in Areas 5A & 6 which will allow a total of 82,764 square feet of total ground floor area.

The balance of the retail commercial in Area 2, 3, & 4 is inline with C-P District for a maximum of 0.25 F.A.R. as well as Areas 5, 7, 8, and 9 for O-G District land uses with an exception to Area 9 to allow office or multi-family. The balance of the plan for Area 10 will multi-family residential(R-ML) consistent with original approved Outline Plan. The balance for Areas 11 and 12 is a total of 4.09 acres of Common Open Space primarily located in the floodplain at the western edge. This open space only accounts for 4% of the total project area.

This development may be key to accomplishing the needed north-south public road between Trinity Road and Walnut Grove Road. Please refer to the Staff Report for Woodland Hills II Planned Development(P.D. 08-324 CC) which is located adjacent to this site for discussion of the significance of this public road. This development features more than 100 acres of intense urban level development, but provides only one loop public road. This development should provide a public road connection to the north-south public road in the Woodland Hills II planned development to the west.

A hold is recommended for this development plan until conditions are clarified regarding whether mixed commercial and residential buildings are required. More time is also needed to plan for needed public road interconnection to the west of the subject property.

RECOMMENDATION: ***Hold for Thirty(30 Days)***

P.D. 08-306 CC
Canale Grove Planned Development

OUTLINE PLAN CONDITIONS:

I. USES PERMITTED:

- A. Area 1,2,3, and 4 – Town Center Retail and Retail Lots - Office and Commercial uses as permitted by right or administrative site plan review in the Planned Commercial(C-P) District, except for the following uses that are prohibited:

1. Group Shelter
2. Outdoor Sales
3. Green house or Nursery, Commercial
4. Pawn Shop
5. Farm Labor Management Services
6. Amusements, Commercial Indoor
7. Garage Commercial
8. General Service and Repair Shop
9. Greenhouse or Nursery
10. Lawn, Tree or Garden Service
11. Used goods, Second Hand Sales
12. Vehicle Wash

Note: Residential lofts are allowed above retail uses at one or two floors in height. Any Residential above Retail is evaluated as a bonus above the allowed DU / AC or FAR. Any Loft type residential along with the Underlying Base Use shall adhere to the Shared Parking Policy as indicated in the Memphis and Shelby County Subdivision Regulations.

- B. Area 5,6,7 and 8 –Neighborhood Office - Office uses as permitted by right or administrative site plan review in the General Office (O-G) District.

- C. Area 5A, and 6 - Office / Residential - (Live / Work Units)
Office / Residential uses as permitted by right or administrative site plan review in the General Office (O-G) District.

Note: Any Residential above Office is evaluated as a bonus above the allowed DU / AC or FAR. Any Loft type residential along with the Underlying Base Use shall adhere to the Shared Parking Policy as indicated in the Memphis and Shelby County Subdivision Regulations.

- D. Area 9 – Office or Multifamily – Office or Multi-Family uses as permitted by right or administrative site plan review in the General Office (O-G) District or Residential Multifamily(R-ML) District.

- E. Area 10 – Multifamily – Residential uses as permitted by right or administrative site plan review in the Multiple Dwelling Residential (R-ML) District.

- F. Area 10 – (CCRC) Continuing Care Retirement Community – Continuing Care Retirement including, Assisted Living Facility, Licensing Health Care Facilities, Senior Housing/Independent Living, Nursing Home, and Associated Medical Buildings.
- G. Accessory Uses: The following shall be permitted for the convenience of the Residents and their guest, but not for the general public. Accessory uses
- H. Include, but not limited to the following:
 - 7. Banking Facility
 - 8. Beauty and or Barber Shop
 - 9. Central Dining Facilities
 - 10. Convenience Retail Shop
 - 11. Chapel/ Place of Worship
 - 12. Pharmacy
- I. Area 11 – 12 – Common Open Space – Open Space uses as permitted by right or administrative site plan review.

II. BULK REGULATIONS:

- A. Area 1,2,3, and 4 (C-P)
 - 1. Front Yard Setback – 8 feet – 90 feet
 - 2. Side/Rear Setback abutting single Family – 10 feet
 - 3. Side/Rear Setback abutting multifamily, nonresidential- 0 feet 10 feet
 - 4. Maximum Building Height – 45 feet (Area 1)
 - 5. Maximum Building Height – 35 feet (Area 2,3,4)
 - 6. Maximum Floor Area Ratio - .50 FAR (Area 1)
 - 7. Maximum Floor Area Ratio - .25 FAR (Area 2,3,4)
- B. Area 5,5A,6,7,8, and 9 (O-G)
 - 1. Front Yard Setback – 7 feet
 - 2. Side(Street) – 7 feet
 - 3. Side/Rear Setback abutting single Family – 10 feet
 - 4. Side/Rear Setback abutting multifamily, nonresidential- 0 feet- 10 feet
 - 5. Maximum Building Height – 35 feet
 - 6. Maximum Floor Area Ratio - .25 FAR
 - 7. Area 5 – A maximum of a one-story building within 200 feet of north property line

8. Area 9 and 10 (R-ML)
 1. Front Yard Setback – 7 feet – 15 feet
 2. Side Setback (Interior) 5 feet
 3. Side Setback (Total) 10 feet
 4. Side Setback (Street) 10 feet
 5. Rear Setback 20 feet
 6. Maximum Building Height – 45 feet
 7. Maximum Floor Area Ratio - 15 DU/Ac
 8. 150 foot Building Setback from North Property line

- D. Area 10 (CCRC)
 1. Front Yard Setback – 80 Feet
 2. Side Yard Setback (North line) 150' at 2 stories
175' at 3 stories
200' at 4 stories
 3. Rear Yard Setback – 20 feet
 4. Side Yard Setback – Internal side yard setbacks within CCRC 20 feet
 5. Max. Building Height – 45 feet
 6. Max. Floor Area Ratio
 - 1 Story – 10 DU/AC.
 - 2 Stories – 15 DU/AC.
 - 3 Stories – 20 DU/AC.
 - 4 Stories – 35 DU/AC.

III. ACCESS, PARKING AND CIRCULATION:

- A. Dedicate 57 feet from the centerline of Walnut Grove Road and improve in accordance with the Subdivision Regulations of Shelby County Paving Policy.
- B. Dedicate 57 feet from the centerline of Houston Levee Road and improve in accordance with the Subdivision Regulations of Shelby County Paving Policy.
- C. Curb cuts within 300 feet from the centerline intersection of Houston Levee Road and Walnut Grove Road shall be limited to right-in/right-out access only. The design and location of curb and median cuts along Walnut Grove and Houston Levee are subject to approval of the City / County Engineer.
- D. All internal streets shall be public and shall be dedicated and improved in accordance with the design requirements of the Subdivision Regulations. Provide internal circulation between adjacent phases, lots and sections.
- E. A maximum of four (4) curb cuts and one (1) Roadway Intersection shall be permitted along Houston Levee Road.

- F. A maximum of five (5) curb cuts and one (1) Roadway Intersection shall be permitted along Walnut Grove Road.
- G. All private drives and rear service drives shall be a minimum width of 20 feet and constructed to meet pavement requirements of the Memphis and Shelby County Subdivision Regulations.
- H. Parking shall be provided in accordance with the Memphis and Shelby County Subdivision Regulations.
- I. An interconnected pedestrian walkway system shall provide internal pedestrian circulation throughout the development.

IV. LANDSCAPING AND SCREENING:

- A. A 25 foot wide Streetscape, Plate A-4 (modified), shall be provided along Walnut Grove Road and Houston Levee Road. Hardwood street trees shall be planted 40 feet O.C. with a caliper of 4 1/2 to 5 inches.
- B. A 30-foot wide Landscape screen with an eight (8) foot high solid wood fence with brick columns (35 feet apart) Plate N-I or equivalent, shall be provided along the north property line. Cedar trees are to be incorporated as part of the supplemental plantings as an evergreen.
- C. A minimum 25 foot wide planting Landscape Buffer (Plate B-5 or equivalent) shall be provided along the east property line of Area 5 and the north property line of Area 4 if the properties along Houston Levee Road are zoned or developed as residential at the time of Final Plan submittal for Areas 4 and 5.

Note: Landscape Buffer Plate B-5 only required if adjacent properties are developed as Residential. Buffer Plate may be modified to relate to use of property as zoned or developed.

- D. A 15 foot wide planting screen shall be provided along the property lines of areas 8 and 5 when they are abutting Multifamily.
- E. An interior landscaped island shall be provided for every ten spaces. Each island shall contain a minimum of 200 square feet with a minimum width of eight feet inside the curb and include a minimum of one hardwood tree with a minimum caliper of 4 1/2 inches. Planting islands shall be evenly distributed throughout the parking area, with no parking space being more than 100 feet from a planting island.
- F. All required landscaping shall not conflict with any easements including overhead wires.
- G. All heating and air conditioning equipment shall be screened from view by use of landscaping or architectural features.
- H. Lighting fixtures shall be a maximum of 30 feet in height within retail parking areas and shall be a maximum of 15 feet in height within non-vehicular pedestrian, office, and residential areas. All light fixtures located within 50 feet of any residential district shall not exceed 15 feet in height.

- I. Equivalent landscaping may be substituted for that required above, subject to approval of the Office of Planning and Development.
- J. All refuse dumpsters shall be completely screened from view from all adjacent properties and from any public roads. In addition, no refuse dumpsters shall be permitted within 150 feet of the north line of Area 10 and Area 5.
- K. All apartments shall have a minimum of fifty (50) percent of the opaque wall area consisting of brick material.
- L. No active recreational facilities shall be permitted within 150 of the north property line in Area 10.
- M. Commensurate with the first final plan containing a building envelope, a minimum of one row of evergreen seedling trees shall be planted along northern property line which shall be considered as a part of the landscape screen required in condition IV-B above.
- N. If the Retail Center is developed in phases, temporary landscape screening shall be provided to screen the rear of buildings from public view.

V. SIGNS:

- A. Attached and detached signs within Areas 1,2,3 and 4 shall conform to the Memphis and Shelby County Subdivision Regulations pertaining to (C-P) District Regulations.
- B. Attached and detached signs within Areas 5,5A,6,7,8, and 9 shall conform to the Memphis and Shelby County Subdivision Regulations pertaining to (O-G) District Regulations.
- C. Attached and detached signs within Areas 9, and 10 shall conform to the Memphis and Shelby County Subdivision Regulations pertaining to (RM-L) District Regulations.
- D. Portable and temporary signs and outdoor advertising signs shall be prohibited except for construction signs.
- E. All signs shall be set back a minimum of fifteen (15') feet from the public right-of-way.
- F. Blade Type Signs are allowed in (C-P) and (O-G) Districts.
- G. A development identification sign may be allowed within Area 12 and must be incorporated as part of the Intersection Area and can be no more than 6 feet in height and may be used as a backdrop or hard cape element to the amenity area.

VI. DRAINAGE:

- A. The developer should be aware of his obligation under 40 CFR 122.26 (b)(14) and TCA 69-3-101 et Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on the site.
- B. All grading and drainage plans shall show topography a minimum distance of 100 feet off site on all sides in order to determine the effect of off site features on the proposed plan or its effect on adjacent properties.

VII. PUBLIC SEWER, WATER AND EASEMENTS:

- A. Provisions for sanitary sewer service approval to this development shall be the responsibility of the City of Memphis.
- B. A sewer development fee shall be paid to the City of Memphis at the time of each final plan approval.
- C. Off-street sewer easements shall be a minimum of fifteen (15') in width.

- IX.** The Land Use Control Board may modify the bulk, access, circulation, parking and other site Design requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the Director of the Office of Planning and Development, to have a such action reviewed by the appropriate governing bodies.

X. FINAL PLAN:

A final plan shall be filed within five years of the approved outline plan. The Land Use Control Board may grant extensions at the request of the applicant. Any final plan shall include the following:

- A. The Outline Plan Conditions;
- B. Required landscaping;
- C. Front and rear setbacks;
- D. The exterior appearance of proposed buildings and signs;
- E. The standard improvement contract as defined by the Subdivision Regulations for any needed public improvements;

- F. The exact location and dimensions of utility easements, drives and required landscaping, screening areas;
- G. The location and ownership, whether public or private of any easement(s).
- H. A statement conveying all commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plan.

P.D. 08-306 CC
Canale Grove Planned Development

GENERAL INFORMATION:

Street Frontage: Walnut Grove Road-----+/-2,375 linear feet.
Houston Levee Road-----+/-1,275 linear feet.

Planning District: Shelby Farms-Germantown

Census Tract: 210.20

Zoning Atlas Page: 2060

Zoning History: **Immediate Corner: +/-15 Acres**

In November, 2003 a Neighborhood Center was approved for limited Planned Commercial(C-P) District land uses in The Shoppes @ Gray's Creek Planned Development(P.D. 03-357 CC). In September, 1988 the Walnut Grove/Hall Road C-P General Plan(Z87-189 CC) was approved for 3.99 acres at the immediate corner and in November, 1999, an additional 5.67 acres was included in the General Plan(Z99-135 CC) for a total of 9.66 acres. Prior to these dates, the Agricultural(AG) District zoning of the site dated to adoption of the Shelby County Comprehensive Zoning Study-1960.

Western Balance: +/-86.74 Acres

In February, 1998; a mixed-use plan of development was approved for Multiple Dwelling Residential(R-ML), General Office(O-G) and Planned Commercial(C-P) District land uses. Prior to this date the Agricultural(AG) District zoning of the site dated to the adoption of Shelby County Comprehensive Zoning Study-1960.

DEPARTMENTAL COMMENTS:

The following comments were provided by agencies to which this application was referred:

City Engineer:

1. Standard Subdivision Contract as required in Section 500 of Subdivision Regulations.
2. This site is located in the Memphis Reserve Area.

Sewers:

3. City sanitary sewers are available at developer's expense.
4. The developer shall extend sanitary sewers through the site to serve upstream properties.
5. A sewer extension will be required to serve this development.

6. An overall sewer plan for the entire site shall be submitted to the City Engineer prior to approval of the first final plat.
7. This site is located within the area served by the (Grays Creek) Interceptor Special Sewer Service Area. The developer must agree to pay all surcharges assessed upon his project as a part of the Special Sewer Service Area regulations.

Roads:

8. Houston Levee and Walnut Grove are both designated as Priority 1 on the MPO Major Road Plan.
9. Dedicate 57 feet from centerline of Walnut Grove Road and improve in accordance with Subdivision Regulations.
10. Dedicate 57 feet from centerline of Houston Levee Road and improve in accordance with Subdivision Regulations.
11. Dedicate a 3 centered corner radius at the intersection of Walnut Grove and Houston Levee Roads and improve in accordance with the Subdivision Regulations.
12. Proposed Canale Grove Parkway shall meet collector street standards for design and construction.
13. All internal streets shall be public, and shall be dedicated and improved in accordance with the design requirements of the Subdivision Regulations.

Private Drives:

14. All private drives/rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two feet (22').

Curb Cuts/Access:

15. The City/County Engineer shall approve the design, number and location of curb cuts.
16. No curb cuts within 300 feet of any signalized intersection will be approved.
17. Any proposed traffic signal shall meet the warrants as established by the City Engineer.
18. The developer shall provide a traffic study to determine the vehicular load generated by the proposed development prior to approval of this outline plan.
19. All traffic signal modifications, including but not limited to, signalization, fiber optic interconnections, poles, cabinets, etc., shall be at the sole expense of the developers and shall be subject to the review and approval of the City Engineer.
20. 4 curb cuts along the Walnut Grove Road frontage will be permitted, and shall be located at least 300 feet apart, centerline to centerline.

21. 2 curb cuts along the Houston Levee Road frontage will be permitted, and shall be located at least 300 feet apart, centerline to centerline.

Drainage:

22. An overall drainage plan for the entire site shall be submitted to the City/County Engineers prior to approval of the first final plan.
23. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
24. A pro-rata Fee for major drainage improvements may be required by a phased development.
25. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.
26. This project must be evaluated by the Tennessee Department of Environment and Conservation regarding their jurisdiction over the watercourses on site, in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq.).
27. If the State will not issue an ARAP Permit for the concrete channel lining of the major drainage way, a drainage easement – un-buildable area - common open space along the major drainage way must be provided consistent with drainage plans approved by the City/County Engineer and an A.R.A.P. Permit. The easement width may be equal to as much as 2.5 times the top of bank width, measured from either side of the stream centerline, in order to protect buildings and accessory structures from bank caving and stream meandering.
28. The preliminary/outline plan shall reflect a minimum 25-foot rear yard, exclusive of the easement along the natural drainage way, as well as a buildable area and front yard setback on each buildable lot.
29. Part of this site is located within the 100-Year floodplain according to the FEMA maps. Appropriate flood protection measures must be taken to prevent flood damage. The 100 year floodplain boundary line and elevation shall be reflected on the final plat and engineering plans.

Site Plan Notes:

30. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
31. The width of all existing off-street sewer easements shall be widened to meet current city standards.
32. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
33. Required landscaping shall not be placed on sewer or drainage easements.

County Engineer:

3. Recommend that the outline plan be approved, but the developer should take note that the street infrastructure is premature to handle this development once building occupancy begins. The development would generate traffic trips in which the existing infrastructure area cannot support, until full road improvements in the neighboring area are fully improved.
4. The existing traffic signal pole on the northwest corner of the intersection of Houston Levee Road and Walnut Grove Road will be relocated and modified at the developer's expense.
5. Houston Levee Road is an MPO Major Road shown as Priority 1. Dedicate 57 feet from an approved horizontal centerline alignment and cross section acceptable by the County/City Engineer and improve in accordance with Subdivision Regulations and Shelby County Paving Policy.
6. Walnut Grove Road is an MPO Major Road shown as Priority 1. Dedicate 57 feet from an approved horizontal centerline alignment and cross section acceptable by the County/City Engineer and improve in accordance with Subdivision Regulations and Shelby County Paving Policy.
7. A public road connection (Street 'B') between Woodland Hills and Canale Grove development.
8. Sanitary sewer is to be approved by the City of Memphis.
9. Recommend a future traffic signal (if warranted) to be installed at the intersection of Canale Grove Parkway and Houston Levee Road.
10. Eliminate the two curb cuts, the one north and the one east of the "Area 12 C.O.S." as shown on the conceptual drawing.
11. This project must be evaluated by the Tennessee Department of Environment and Conservation regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et sec.). The Developer should be aware that if an ARAP permit is required, he is responsible for any design modifications that result from the requirements of said permit. Substantial modifications of the plans resulting there from will require re-approval by the Land Use Control Board.
12. A Notice of Intent must be submitted to and be approved by the Tennessee Department of Environment and Conservation (TDEC) before any earthwork is started in accordance with Shelby County Storm Water Ordinance. A copy of the TDEC's coverage letter and Storm Water Pollution Prevention Plan (SWPPP) is to be provided to Shelby County Engineering Office before any ground is disturbed.

13. Provide drainage data for assessment of on-site detention requirements by County Engineer's Office. All drainage plans are to be submitted to County Engineer's Office for review. ***Detention ponds should be designed for multiple stage discharges and it is to be inspected by the design engineer when it is built to certify that it is working as designed. Detention pond should be built at the first phase when the land is cleared.*** Drainage improvements must be provided in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual. Quantify and provide pre and post development storm water discharge values. Provide an assessment of any downstream structures impacted by increased runoff.
14. The developer is responsible for notifying adjacent property owners regarding concentration of storm water discharges and any off-site improvements. Submittal of construction plans will constitute certification from the developer that adjacent property owners have been notified. Off-site drainage improvements may be required to ensure no adverse effect on downstream properties. All improvements to eliminate such effects are the responsibility of the Developer. The 100-year check required by the City of Memphis Drainage Manual will be strictly enforced during the engineering review process.
15. The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or owner's association. Such maintenance shall be performed so to ensure that the system operates in accordance with the approved plan located in the City/County Engineer's Office. Such maintenance shall include, but not be limited to; removal of sedimentation, fallen objects, debris and trash; mowing; outlet cleaning; and repair of drainage structures.
16. All grading and drainage plans shall show a minimum of 100 feet of offsite topography on all sides in order to determine the effect of offsite features on the subdivision under review or its effect on adjacent properties.
17. All common open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.
18. The Developer will be expected to enter into a Standard Subdivision contract, as required in Section 500 of Subdivision Regulations, for required public improvements, including paving, under the Shelby County Paving Policy.

County Fire Department:

No comments received.

City Real Estate:

None.

Memphis & Shelby County Health Department:

1. If any monitoring wells were installed as part of an environmental site assessment they must be filled as outlined in Section 6 of the Shelby County Well Construction Code.
2. If any abandoned water wells are present on this site they must be properly filled and abandoned as outlined in Section 9 of the Shelby County Well Construction Code.
3. Since this is a Planned Development that could require the demolition of a structure or structures at this site before any demolition the developer will need to fill out the attached questionnaire.
4. If a Demolition Permit will be required after filling out the questionnaire then the owner, developer, or contractor must contact the Asbestos Branch in the Air Pollution Control Section at (901) 544-7349 in order to secure the appropriate permit.

Memphis Board of Education: No comments received.

Shelby County Board of Education: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following comments:

Regarding the properties on the outline plan identified as **MLGW**; MLGW acquired these parcels to be utilized as future water production well sites.

- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- Any proposed structures must comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances from existing overhead electric facilities.
- **Landscaping is prohibited** within any MLGW utility easement. No trees, shrubs or permanent structures will be allowed within any MLGW utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).

- **Fire Protection Water Services:** It is the responsibility of the owner/applicant to contact MLGW - **Water Engineering @ 528-4720** to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
 - Please refer to Section 12.1.1 and Appendix A of the **MLGW Water Service Policy Manual**, which is available online at the following MLGW website: http://www.mlgw.com/images/water_manual.pdf
- **It is the responsibility of the owner/applicant** to contact the appropriate MLGW engineering area to determine if system improvements may be required and any related cost:
 - MLGW Engineering - **Residential Development:** 528-4858
 - MLGW Engineering - **Commercial Development:** 367-3343
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

AT&T: No comments received.

Memphis Area Transit Authority (MATA): No comments received.

OPD-Regional Services: No comments received.

OPD-Plans Development:

The intersection of Houston Levee Road and Walnut Grove Road was designated to be a “Neighborhood Commercial Center” in the *Gray’s Creek Area Plan (Revised 2001)*. Neighborhood Commercial Centers are intended to be areas of smaller-scale commercial development that will be located at major crossroads in order to preserve the rural character and natural features of the Gray’s Creek community. The *Gray’s Creek Area Plan* also designated other major intersections as “Community Commercial Centers” or “Regional Commercial Centers.”

Community Commercial Centers are intended to be areas of mixed use including commercial, office, institutional and higher density residential uses. The overall size, scale, and intensity of the Canale Grove PD suggests that this project is more appropriate for an intersection designated as a Community Commercial Center, and is larger than the type of development envisioned in the plan for this intersection.

It is the opinion of staff that the Canale Grove PD is inconsistent with the type of development intended for a Neighborhood Commercial Center in the ‘*Gray’s Creek Area Plan*’.

Not Recommended For Approval

Shelby County Conservation Board:

No comments received.

Neighborhood Associations:

Gray's Creek Association:

See Attachment.

Alliance of Cordova Neighborhoods:

No comments received as of 11/7/'08.

Fisherville Civic Club:

" " .

Cordova Leadership Council:

No comments received as of 11/7/'08.

Hollow Grove Ngh'd Association:

No comments received as of 11/7/'08.

Kentwood Estates Ngh'd Association:

" " .

Rocky Point Ngh'd Association:

No comments received as of 11/7/'08.

Staff: bb

CORRESPONDENCE

From: Joseph Kennedy [mailto:jkennedy16@mac.com]
Sent: Wednesday, October 15, 2008 6:11 PM
To: Gaines, Vicky; Gaines, Vicky
Cc: David Sanders
Subject: Re: P.D. 08-306 CC Canale Grove PD Due 10-31-06

Vicky,

Thank you for your email. The Holly Grove Homeowners will meet to prepare our response. We have contacted David Sanders for his group's intentions. Please contact me at your earliest opportunity to discuss your Office's intentions.

Joe

From: VHDTom@aol.com
Sent: Monday, November 10, 2008 11:12 AM
To: Bacchus, Brian
Cc: VHDTom@aol.com
Subject: Canale Grove Development Concerns

Brian Bacchus,

Thank you for all the information regarding the Canale Grove Planned Development. In regards to the development, Our neighborhood is very concerned with the density and height of the building allowed in this plan. Please send me a copy of the proposal so I may review the outline before attending the meeting on Thursday. Your cooperation is greatly appreciated.

Tom Welsch
Lot # 3
9985 Holly Grove Rd
Cordova TN 38018

(901) 758-2301

From: gallm [gallm@bellsouth.net]

Sent: Wednesday, November 12, 2008 8:29 AM

To: Bacchus, Brian

Subject: Comments on Canale Grove Planned Development P.D. 08-306 CC

Thanks for sending the various reports on this development. I will not be attending the public hearing since it already appears that your department will request a 30 day hold to review the plan in further detail. Here are my comments:

1. I can not agree more with the County Engineer's comment #1 with respect to the traffic congestion problems. The current situation needs to be addressed prior to anymore development in the area. The back-up problems at the intersection of Houston Levy & Macon and Houston Levy & Walnut Grove will not change even after the current road construction on Houston Levy. The congestion associated with the Briarcrest school expansion makes it impossible and unsafe for us on Holly Grove Rd to access Houston Levy every morning and evening.
2. After reviewing the County Engineer's comments 12,13,and 14. I have concerns with drainage plans and their impact on the back of my property. The development property has established a rough grade when the land was cleared many years ago but it's unclear if the current "rough" grade will be changed. This last spring with all the rain I had a 4ft diameter/100+ tall tree root ball and all fall over due to oversaturated ground/wind. This is a coincidence and probably unrelated to the changes made however drainage is always concern.
3. This land has been cleared all the way from my property line to Walnut Grove for many years now. Because of this it get used for ATV's and easy access to the back of our properties. Whenever this gets approved, I would request a stipulation that the Northern property fence be completed prior to any other development activities. In fact since there's no telling when this will get completed, I would suggest to the owner/developer make a good faith gesture in moving forward in completing fence and Northern landscaping now.
4. Lastly, I commend the land owner and developer on the recent development proposal package and encourage their direct contact in in working with the neighbors adjacent to their development.

LETTER-GRAY'S CREEK ASSOCIATION

November 3, 2008

Mary Baker, Deputy Director
Shelby County Office of Planning and Development
125 North Main Street
Memphis, TN 38103

RE: WOODLAND HILLS II PD; CANALE GROVE PD

Dear Ms. Baker:

The Gray's Creek Association recently met with representatives of both referenced Planned Developments and recommend approval with the following provisions:

Woodland Hills PD

1. Trinity Road dedication east to Houston Levee.
2. ~~No direct roadway connectivity from Trinity Road south to Walnut Grove.~~
3. Any public roadway shall connect to Canale Grove PD street stub south of lake.
4. N/S street in Area 5 designed for traffic calming element.
5. The Woodland Hills PD may be developed as a private gated development.

Comment [c1]: Requirement for a direct/public

Comment [c2]: ie; the design should minimize long straight streets.

Comment [c3]: Not sure if this would be item 6, but the parcel at the southern end which is not residential in use would have public connection to Walnut Grove and ALSO connect to Canale Grove PD.

Comment [c4]: This is the north/west portion of the site. This area is to also provide connection to Woodland Hills PD if uses are compatible. If uses are not compatible then a connection to and from Woodland Hills PD shall be provided just south of this portion.

Comment [c5]: This connection should be both to the south parcels of Canale Grove and also provide for possible future connection to the north which is not part of this application.

Comment [c6]: The MLGW parcels are currently only reserve areas for possible pumping stations. These uses along this important roadway could/should be moved to less visual locations to allow Canale Grove PD the opportunity to provide the highest level of streetscape possible.

Canale Grove PD

1. Multi-Family or retirement community area may be gated.
2. Connection of the Woodland Hills PD multi-family area and the Canale Grove multi-family area may be developed as a single overall complex as multi-family or retirement-type senior living, if the parties agree.
3. Provide for future driveway connectivity from NE retail to property adjacent to the north, if the parties agree.
4. If possible, relocate MLGW facilities from Walnut Grove.

Thank you,

David Sanders
Gray's Creek Association